

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION

DAVID FIELD ABBOTT,	)	CIVIL ACTION No.: 4:10-CV-2253-TER
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
MICHAEL J. ASTRUE,	)	ORDER
COMMISSIONER OF SOCIAL	)	
SECURITY,	)	
	)	
Defendant.	)	
	)	

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This matter is before the court upon Counsel for Plaintiff's motion for attorney's fees and costs pursuant to the Social Security Act, 42 U.S.C. §406(b). The motion seeks reimbursement for counsel's representation in the above captioned matter in the amount of \$9,751.55, which amounts to twenty-five percent of the past-due benefits withheld by the Social Security Administration for attorney's fees. (Doc. #36).

On September 4, 2012, Defendant filed a response to the motion stating that he does not oppose plaintiff's motion for attorney's fees and agrees that an award of attorney fees in the amount of \$9,751.55 is reasonable in light of the Fee Arrangement and the services rendered by Plaintiff's counsel in this matter. Defendant asserts that he "suggests to the Court that it find the motion in order and authorize attorney fees under 28 U.S.C. §406(b), so long as Plaintiff's counsel returns any EAJA fees awarded. (Doc. # 37).

The Court has reviewed Counsel's fee petition and memorandum that was submitted with the petition, and finds Counsel's request for fees reasonable. Accordingly, **IT IS ORDERED** that

Plaintiff's motion for attorney's fees pursuant to the Social Security Act, 42 U.S.C. §406(b), is granted in the amount of \$9,751.55. Counsel shall remit any EAJA fees awarded to Plaintiff in light of this Order granting attorney's fees under 406(b).

**IT IS SO ORDERED.**

September 27, 2012  
Florence, South Carolina

s/Thomas E. Rogers, III

Thomas E. Rogers, III  
United States Magistrate Judge